

### **REMARKS**

Claims 1 and 6 are rejected under 35 U.S.C. 102 (b) as being anticipated by Bennison.

However, applicant respectfully points out that the vacuum suction tool disclosed by Bennison is totally different from the claimed device. The vacuum suction tool disclosed by Bennison must cooperate with a vacuum pump to suck air from an elbow tube on the bellows-like tube 23 so as to suck the object 18. The vacuum level is controlled by the vacuum pump together with exposure of the aperture 10. Basically, the vacuum suction tool of Benison is not portable.

On the contrary, the claimed device is a portable suction device which sucks a tile by the deformation of the suction disk 20 and no vacuum pump is required. In other words, for the vacuum suction tool disclosed by Bennison, the suction force is a result of how much air in the bellows-like tube 23 is removed to form a lower pressure space to generate a suction force. The claimed device uses a flexible suction disk which is pushed against the tile and expels air between the suction disk and the tile so as to form a lower pressure area between the tile and the suction disk. The tile is then sucked by the suction disk when squeezing the lever to lift the shaft.

Furthermore, the opening (10) in the disclosure of Bennison is deemed as the equivalent of the opening (13) of the claimed device. The opening (10) of

Bennison cooperates with the valve member (11) so as to determine the vacuum level of the suction tool, but the opening (13) of the claimed device is simply to receive the cam end of the operation lever (11). They have different functions and purposes. The suction disk (20) of the claimed device includes a shaft (21) which is connected to the operation lever (11) so as to be lifted by pulling the operation lever (11) upward. On the contrary, the so called shaft (15) of Bennison is a flat wall portion (15) of the tubular sheet metal wall (14), which is neither moved nor lifted when the handle (7) is pulled upward.

In addition, there is no release device disclosed in the disclosure of Bennison, although the Examiner recites a release device in the disclosure of Bennison. Bennison does not disclose any similar parts or structure as the claimed release device. Therefore, Bennison does not disclose the combination of features recited in claim 1 of the application. The rejections based on U.S.C. 102(b) should be removed and claim 1 should be allowable.

Claim 1 is amended by applicant to insert "a" in front of "spring" on the last line of claim 1.

The Examiner rejected claims 3, 4 and 7 under 35 U.S.C. 103 (a) as being unpatentable over Bennison in view of Miller. The Examiner points out that Bennison discloses there are grooves (19) of the inner shaft. However, the numeral

reference "19" in Bennison represents two triangular bracket means which are not grooves. The Examiner further points out that Miller discloses an operation lever 11 with a cam end having two walls separated by a groove. Nevertheless, no drawing shows there is a groove in the cam end of the operation lever of Miller. It is noted that the grooves 33 in the claimed device are used to allow the bosses 210 on the shaft 21 to be moved in the grooves 33 when the operation lever 11 is pulled. The so called groove between the two walls of the cam end of the operation lever of Miller does not include the same structure and function. In other words, Miller does not disclose the structure as claimed in claim 3. Besides, no suggestion is provided to combine the so called groove of Miller with the disclosure of Bennison.

For claim 7, the flat underside of the cam end of the operation lever is designed to match with a top surface of a skirt portion of the suction disk. By the flat underside of the operation lever, the suction disk can be well pressed and positioned. But, the flat top of the operation lever of Miller does not contact the suction disk.

The Examiner rejected claims 2, 5 and 8 under 35 U.S.C. 103 (a) as being unpatentable over Bennison in view of Busby. The Examiner points out that "Busby discloses a vacuum pick-up tool wherein a recess (100) is defined in the neck (12) of the handle (13) and an aperture (32) is defined through an inside of the recess, the release device (90) pivotably engaged with the recess (100) and an insertion extending from the recess (28) and extending through the aperture, the insertion

device removably engaged with the hole (26) of the operation lever.” Actually, the recess (100) of Busby is a shelf, and the valving mechanism 90 includes a valve stem 28 with a seal mounted thereto so as to be rested on the seating members 171 to close the passageway 18 such that the air cannot go through the passageway. The so called release device 90 of Busby is a valve to control the passageway between open status and close status.

On the contrary, the release device of the claimed device is used to release the operation lever and is not related to opening or closing a passageway. No air flow is related to the operation of the release device of the claimed device.

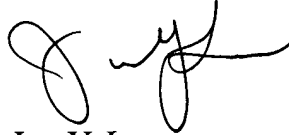
It is clear that obviousness cannot be established by combining teachings of the prior art references to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. Applicant submits that the cited references are totally different from the claimed device and lack any such suggestion or incentive to support the combination of the features as suggested by the Applicant. Therefore, the rejections to claims 2-5, 7 and 8 based on 35 U.S.C. 103(a) should be removed. Claims 2-8 should be allowable as they are dependent upon the amended claim 1 which is believed to be allowable.

In view of the foregoing amendments and remarks, Applicant submits that the application is now in a condition for allowance and such action is respectfully requested. If any points remain in issue, which the Examiner feels could best be

resolved by either a personal or a telephone interview, he is urged to contact Applicant's attorney at the exchange listed below.

*This Amendment was prepared by Applicant and is being filed by the undersigned Attorney without substantial change.*

Respectfully submitted,



Jun Y. Lee

Registration #40,262

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ROSENBERG, KLEIN & LEE

3458 ELLICOTT CENTER DRIVE

SUITE 101

ELLICOTT CITY, MARYLAND 21403

U.S.A.

TEL: (410) 465-6678

Customer No.

**04586**